

RESOLUTION NO. 040129-16

WHEREAS, the Council finds that the property described in the attachment is necessary for a public use; and

WHEREAS, the City has been unable to agree with the owner on the fair market value of the property interests to be acquired; **NOW, THEREFORE**,

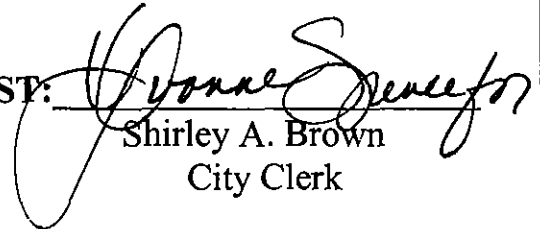
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Attorney is authorized to file a suit in eminent domain and take other action deemed appropriate to economically effect the needed acquisition of the property.

The owner of the property to be acquired is Pepperwood, Inc. and the property is located at 408 East Rundberg Lane, Austin, Travis County, Texas.

ADOPTED: January 29, 2004

ATTEST:


Shirley A. Brown
City Clerk

Pepperwood, Inc.
to
City of Austin
Racetrac Subdivision No. 2
(Wastewater Easement)

Field Notes for Parcel 5000.31WE

BEING 0.045 (1,945 S.F.) OF ONE ACRE OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPLGAIIT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, BLOCK 1, RACETRAC SUBDIVISION No. 2, RECORDED IN BOOK 102, PAGES 352 AND 353 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO PEPPERWOOD, INC. BY WARRANTY DEED FILED FOR RECORD ON OCTOBER 1, 1998 RECORDED IN VOLUME 13280, PAGE 3470 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.045 (1,945 S.F.) OF ONE ACRE OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

BEGINNING at a calculated point in the southeasterly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2, same being in the northwesterly line of Lot 1, Reed Subdivision, recorded in Book 82, Page 381 of the Plat Records of Travis County, Texas, conveyed to 3 AQ, Inc. by deed recorded in Volume 12296, Page 1597 of the Real Property Records of Travis County, Texas, same also being North 27°37'57" East, a distance of 142.39 feet from a 1/2 inch iron rod found in the north right-of-way line of Rundberg Lane (right-of-way varies) at the most southerly corner of Lot 1, Block 1 of said Racetrac Subdivision No. 2, for the Point of Beginning and the most southerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10104467.91 and E=3130191.46;

1) THENCE, North 01°11'15" West, a distance of 28.19 feet, leaving said southeasterly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2 and northwesterly line of Lot 1, of said Reed Subdivision and crossing Lot 1, Block 1, of said Racetrac Subdivision No. 2, to a calculated point for a corner;

2) THENCE, North 11°52'54" West, a distance of 108.67 feet, to a calculated point in a northerly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2, same being in a southerly line of the tract conveyed to Texrun Enterprises, Inc, by deed recorded in Volume 13351, Page 1908 of the Real Property Records of Travis County, Texas, for the northwesterly corner of the herein described tract of land;

3) THENCE, South 61°44'58" East, a distance of 2.77 feet, with a northerly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2 and a southerly line of said Texrun tract to a 1/2 inch iron rod found for a northerly corner of Lot 1 of said Racetrac Subdivision No. 2, same being a southerly corner of said Texrun tract, for a northerly corner of the herein described tract of land;

4) THENCE, North 27°41'45" East, at a distance of 11.70 feet passing the east line of a 15 foot Sanitary Sewer easement recorded in Volume 3648, Page 1603 of the Deed Records of Travis County, Texas, in all a distance of 20.22

feet, to a calculated point for the northeasterly corner of the herein described tract of land;

5) THENCE, South 11°52'54" East, at a distance of 102.07 feet passing the north line of a 15 foot Sanitary Sewer easement recorded in Volume 10595, Page 57 of the Real Property Records of Travis County, Texas, in all a distance of 123.87 feet, leaving said northerly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2 and a southerly line of said Texrun tract and crossing Lot 1, Block 1 of said Racetrac Subdivision No. 2, to a calculated point for a corner;

6) THENCE, South 01°11'15" East, a distance of 2.33 feet, to a calculated point in the southeasterly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2, same being in the northwesterly line of Lot 1 of said Reed Subdivision, for the southeasterly corner of the herein described tract of land;

7) THENCE, South 27°37'57" West, at a distance of 18.59 feet passing the east line of said 15 foot Sanitary Sewer easement recorded in Volume 3648, Page 1603 of the Deed Records of Travis County, Texas, in all a distance of 31.12 feet, with the southeasterly line of Lot 1 of said Racetrac Subdivision No. 2 and the northwesterly line of Lot 1 of said Reed Subdivision, to the Point of Beginning, and containing an area of 0.045 (1,945 S.F.) of one acre of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Eduardo O. Mendez

Eduardo O. Mendez
Registered Professional Land Surveyor 5010

6/24/03
Date



Martinez, Wright & Mendez, Inc.
7700 Chevy Chase Dr., Suite 100
Austin, Texas 78752
(512) 453-0767

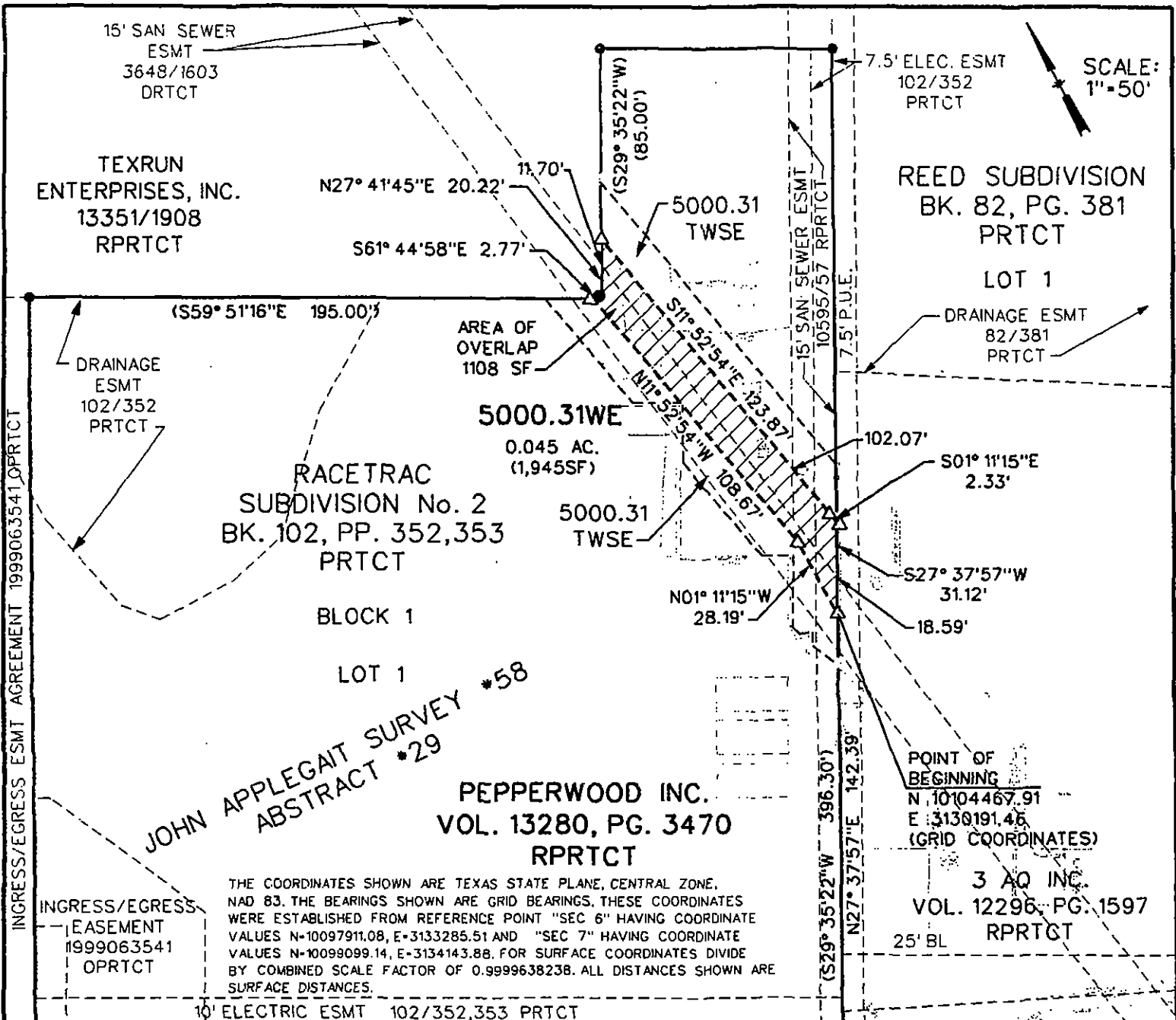
The bearings described herein are Texas State Plane Grid bearings (Texas Central Zone NAD83 (CORS). For surface coordinates, divide grid coordinates by an adjustment factor of 0.9999638238). The reference for this project is a found brass cap, "SEC 6", having coordinate values N=10097911.08, E=3133285.51 in the west sidewalk along Cameron Road approximately 50 feet north of the center of the existing drive at 8500 Cameron Road, and a found brass cap, "SEC7", having coordinate values of N=10099099.14, E=3134143.88 in a concrete drainage inlet in the median section of Cameron Road approximately 300 feet northwest of the intersection of Cameron Road and Crosspark Drive, having a grid bearing of N 35°50'53" E and a surface distance of 1465.81 feet.

TCAD No. : 2-3919-0304
Austin Grid: L30-3

FIELD NOTES REVIEWED

By: [Signature] Date: 7-10-03

Austin Clean Water Program
Survey Coordinator



LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- △ CALCULATED POINT
- EXISTING PROPERTY LINE
- - - EXISTING EASEMENT LINE
- () RECORD INFORMATION
- DRTCT DEED RECORDS TRAVIS CO. TX
- PRTCT PLAT RECORDS TRAVIS CO. TX
- RPRTCT REAL PROPERTY RECORDS TRAVIS CO. TX
- OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS CO. TX
- AREA OF EASEMENT
- AREA OF OVERLAP

RECORD DATA REFERENCE:
COMMONWEALTH LAND TITLE CO. OF AUSTIN
7000 N. MOPAC EXPRESSWAY
SUITE 350
AUSTIN, TX 78731
GF No. 141255CM

RUNDBERG LANE
(R.O.W. VARIES)



Eduardo C. Mendez
6/24/03

**MARTINEZ
WRIGHT &
MENDEZ**
Civil Engineering, Land Surveying, Architecture

CHEVY CHASE ONE
7700 CHEVY CHASE DRIVE
SUITE 100, AUSTIN, TEXAS 78752
TEL 512.433.0767 FAX 512.433.1734

**SKETCH TO ACCOMPANY
FIELD NOTES**

**A PORTION OF
LOT 1, BLOCK 1
RACETRAC SUBD. No. 2
TRAVIS COUNTY, TEXAS**

Pepperwood, Inc.
to
City of Austin
Racetrac Subdivision No. 2
(Temporary Working Space Easement)

Field Notes for Parcel 5000.31TWSE

BEING 0.073 OF ONE ACRE (3,193 S.F.) OF LAND, MORE OR LESS, OUT OF AND A PART OF THE JOHN APPEGAIT SURVEY No. 58, ABS. 29 IN TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, BLOCK 1, RACETRAC SUBDIVISION No. 2, RECORDED IN BOOK 102, PAGES 352 AND 353 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, CONVEYED TO PEPPERWOOD, INC. BY WARRANTY DEED FILED FOR RECORD ON OCTOBER 1, 1998 RECORDED IN VOLUME 13280, PAGE 3470 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.073 OF ONE ACRE (3,193 S.F.) OF LAND BEING HERINAFTER DESIGNATED AS PART 1, PART 2 AND PART 3 AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

Part 1

BEGINNING at a calculated point in a northerly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2, same being in a southerly line of the tract conveyed to Texrun Enterprises, Inc. by deed recorded in Volume 13351, Page 1908 of the Real Property Records of Travis County, Texas, same also being South 27°41'45" West, a distance of 45.17 feet from a 1/2 inch iron rod found at a northerly corner of Lot 1, Block 1 of said Racetrac Subdivision No. 2, for the Point of Beginning and the most northerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10104636.40 and E=3130189.46;

1) THENCE, South 11°52'54" East, a distance of 125.61 feet, leaving said northerly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2 and a southerly line of said Texrun tract and crossing Lot 1, Block 1, of said Racetrac Subdivision No. 2, to a calculated point in the southeasterly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2, same being in the northwesterly line of Lot 1 of Reed Subdivision, recorded in Book 82, Page 381 of the Plat Records of Travis County, Texas, conveyed to 3 AQ, Inc. by deed recorded in Volume 12296, Page 1597 of the Real Property Records of Travis County, Texas, for the southeasterly corner of the herein described tract of land;

2) THENCE, South 27°37'57" West, a distance of 20.33 feet, with the southeasterly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2 and the northwesterly line of Lot 1 of said Reed Subdivision, to a calculated point for the most southerly corner of the herein described tract of land;

3) THENCE, North 01°11'15" West, a distance of 2.33 feet, leaving said southeasterly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2 and the northwesterly line of Lot 1 of said Reed Subdivision and crossing Lot 1, Block 1 of said Racetrac Subdivision No. 2, to a calculated point for a corner;

4) THENCE, North 11°52'54" West, a distance of 123.87 feet, to a calculated point in the northerly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2, same being in a southerly line of said Texrun tract, for the northwesterly corner of the herein described tract of land;

5) THENCE, North 27°41'45" East, a distance of 19.62 feet, to the Point of Beginning, and containing an area of 0.036 of one acre (1,571 S.F.) of land, more or less.

Part 2

BEGINNING at a calculated point in a northerly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2, same being in a southerly line of said Texrun tract, same also being South 61°44'58" East, a distance of 175.84 feet from a 1/2 inch iron rod found at a northerly corner of Lot 1, Block 1 of said Racetrac Subdivision No. 2, for the Point of Beginning and the most northerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10104610.18 and E=3130154.10;

1) THENCE, South 61°44'58" East, a distance of 16.35 feet, with a northerly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2 and a southerly line of said Texrun tract to a calculated point for the northeasterly corner of the herein described tract of land;

2) THENCE, South 11°52'54" East, a distance of 46.26 feet, leaving said common line and crossing Lot 1, Block 1, of said Racetrac Subdivision No. 2, to a calculated point for the most southerly corner of the herein described tract of land;

3) THENCE, North 61°52'52" West, a distance of 16.32 feet, to a calculated point for the southwesterly corner of the herein described tract of land;

4) THENCE, North 11°52'54" West, a distance of 46.31 feet, to the Point of Beginning, and containing an area of 0.013 of one acre (579 S.F.) of land, more or less.

Part 3

BEGINNING at a calculated point in the southeasterly line of Lot 1, Block 1, of said Racetrac Subdivision No. 2, same being in the northwesterly line of Lot 1 of said Reed Subdivision, same also being North 27°37'57" East, a distance of 124.72 feet from a 1/2 inch iron rod found in the north right-of-way line of Rundberg Lane (R.O.W. varies) at the most southerly corner of Lot 1, Block 1 of said Racetrac Subdivision No. 2, for the Point of Beginning and the most southerly corner of the herein described tract of land, having Texas State Plane Coordinate (Texas Central Zone, NAD83, US Feet, Combined Scale Factor 0.9999638238) values of N=10104452.26 and E=3130183.27;

1) THENCE, North 24°50'06" West, a distance of 11.01 feet, to a calculated point for a corner;

2) THENCE, North 27°44'53" East, a distance of 4.60 feet, to a calculated point for a corner;

3) THENCE, North 67°16'54" West, a distance of 4.62 feet, to a calculated point for a corner;

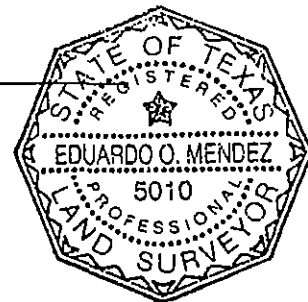
4) THENCE, North 13°44'33" West, a distance of 2.98 feet, to a calculated point for a corner;

- 5) THENCE, North 27°52'13" East, a distance of 24.58 feet, to a calculated point for a corner;
- 6) THENCE, North 62°22'03" West, a distance of 10.78 feet, to a calculated point for a corner;
- 7) THENCE, North 11°52'54" West, a distance of 42.21 feet, to a calculated point for a corner;
- 8) THENCE, North 28°08'22" East, a distance of 19.44 feet, to a calculated point for the most northerly corner of the herein described tract of land;
- 9) THENCE, South 11°52'54" East, a distance of 61.39 feet, to a calculated point for a corner;
- 10) THENCE, South 01°11'15" East, a distance of 28.19 feet, to a calculated point in the southeasterly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2, same being in the northwesterly line of Lot 1 of said Reed Subdivision, for the southeasterly corner of the herein described tract of land;
- 11) THENCE, South 27°37'57" West, a distance of 17.67 feet, with the southeasterly line of Lot 1, Block 1 of said Racetrac Subdivision No. 2 and the northwesterly line of Lot 1 of said Reed Subdivision, to the Point of Beginning, and containing an area of 0.024 of one acre (1,043 S.F.) of land, more or less.

I hereby declare that this survey was made on the ground, under my supervision, and that it substantially complies with the current Texas Society of Professional Surveyors standards.

Edwards O. Mendez
Eduardo O. Mendez
Registered Professional Land Surveyor 5010

6/24/03
Date

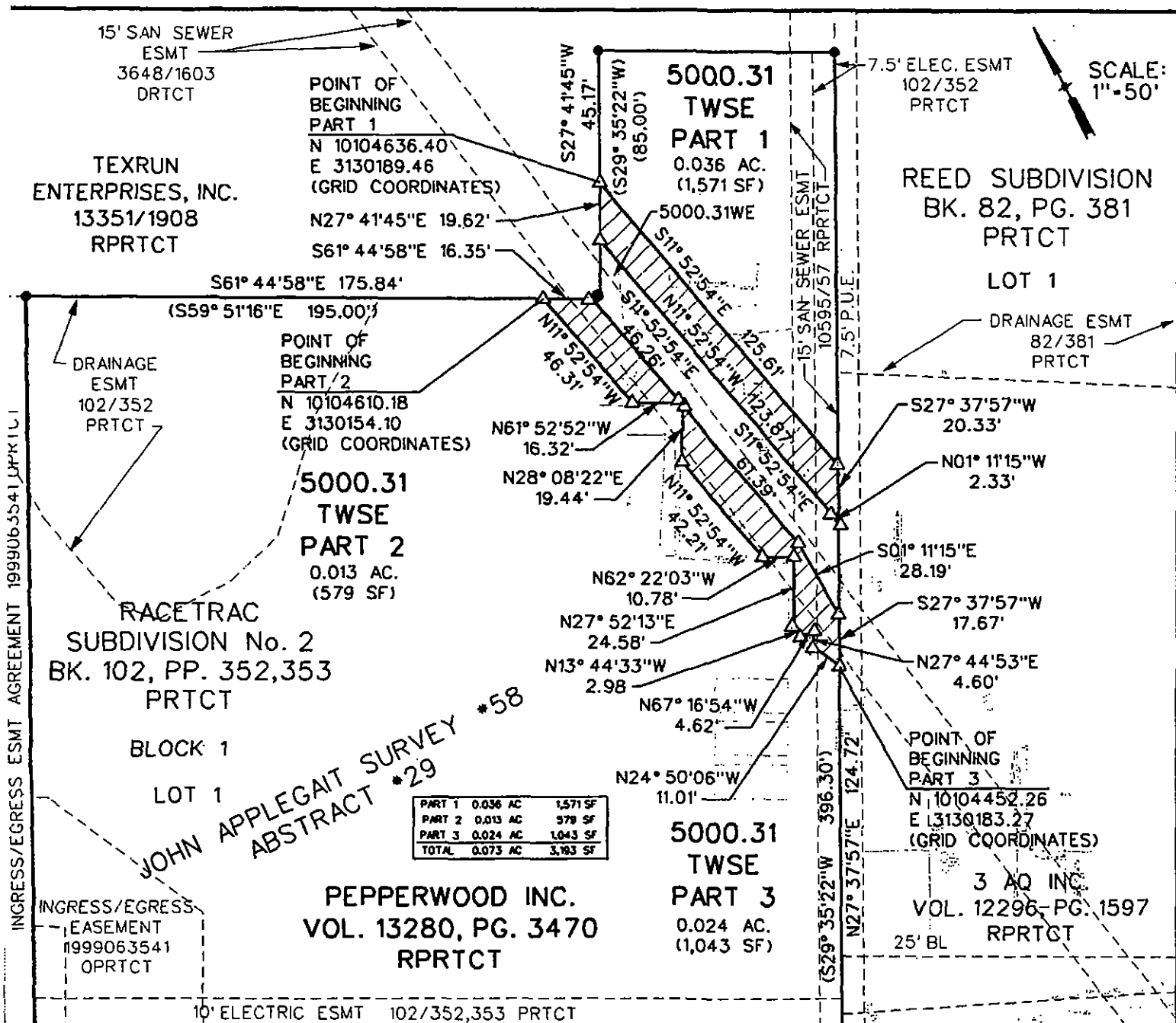


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TCAD No. : 2-3919-0304
Austin Grid: L30-3

FIELD NOTES REVIEWED
By: [Signature] Date: 7-10-03
**Austin Clean Water Program
Survey Coordinator**



THE COORDINATES SHOWN ARE TEXAS STATE PLANE, CENTRAL ZONE, NAD 83. THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM REFERENCE POINT "SEC 6" HAVING COORDINATE VALUES N=10097911.08, E=3133285.51 AND "SEC 7" HAVING COORDINATE VALUES N=10099099.14, E=3134143.88. FOR SURFACE COORDINATES DIVIDE BY COMBINED SCALE FACTOR OF 0.9999638238. ALL DISTANCES SHOWN ARE SURFACE DISTANCES.

LEGEND

- 1/2" IRON ROD FOUND (UNLESS NOTED)
- △ CALCULATED POINT
- EXISTING PROPERTY LINE
- - - EXISTING EASEMENT LINE
- () RECORD INFORMATION
- DRTCT DEED RECORDS TRAVIS CO. TX
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- RPRCT REAL PROPERTY RECORDS TRAVIS CO. TX
- OPRCT OFFICIAL PROPERTY RECORDS TRAVIS CO. TX
- ||||| AREA OF EASEMENT

RUNDBERG LANE
(R.O.W. VARIES)



Eduardo O. Mendez
6/24/03



CHEVY CHASE ONE
7700 CHEVY CHASE DRIVE
SUITE 100, AUSTIN, TEXAS 78752
TEL: 512.453.8767 FAX: 512.453.1734

**SKETCH TO ACCOMPANY
FIELD NOTES**

A PORTION OF
LOT 1, BLOCK 1
RACETRAC SUBD. No. 2
TRAVIS COUNTY, TEXAS